

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAWONDIYRAD KABEDE,
Plaintiff,

v.

CA STATE GOVERNOR'S PAROLE
BOARD HEARING DEPT.,
Defendant.

Case No. 20-01683 BLF (PR)

**ORDER REVOKING *IN FORMA*
PAUPERIS STATUS ON APPEAL**

Plaintiff, a state prisoner, filed this civil action pursuant to 42 U.S.C. § 1983 attempting to challenge the denial of parole, and was granted leave to proceed *in forma pauperis* ("IFP"). Dkt. No. 14. On July 21, 2020, the Court dismissed the complaint without prejudice to filing as a federal habeas petition, provided he exhausts state court remedies before doing so, or pursuing injunctive relief under *Coleman/Plata*. Dkt. No. 15. Plaintiff appealed the matter. Dkt. No. 17.

The Ninth Circuit has referred this matter back to this Court for the limited purpose of determining whether IFP status should continue on appeal or whether the appeal is frivolous or taken in bad faith. Dkt. No. 18. The Court finds that the appeal is frivolous since the dismissal was proper. *See* 28 U.S.C. § 1915(a)(3). Accordingly, Plaintiff's IFP

status is **REVOKED**.

The Clerk shall send a copy of this order to Plaintiff as well as to the Ninth Circuit.

IT IS SO ORDERED.

Dated: August 21, 2020



BETH LABSON FREEMAN

United States District Judge

United States District Court
Northern District of California